

The rule as amended shall read as follows :—

10. (1) Every male person of the full age of twenty-one years who is a subject of Mysore or of any other State in India or a British Subject, and of sound mind, and either—

(i) holding or owning land in a group of villages in the taluk assessed at not less than Rs. 50 per annum, or

(ii) duly appointed to officiate as patel of any village in a group of villages in the taluk, or

(iii) paying a house tax under these rules of not less than Rs. 5 per annum in a group of villages in the taluk, shall be entitled to vote at the election of a member of the Taluk Board for such group of villages.

(2) Subject to the provisions of Rule 15, any person who is qualified under clause (1) of this rule and who, in addition, can read and write, shall be qualified for election or appointment as a Member of the Taluk Board of the taluk where he ordinarily resides.

By Order,

L. KRISHNA RAO,

Offg. Secretary to Government,
Revenue Department.

REGULATION No. VII OF 1916.

A Regulation for the Registration, Surveillance and Control of Criminal Tribes.

(Received the assent of His Highness the Maharaja on the 14th day of December 1916.)

Whereas it is expedient to provide for the registration, surveillance and control of criminal tribes; His Highness the Maharaja is pleased to enact as follows :—

PRELIMINARY.

Short title, extent and commencement.

1. (1) This regulation may be called the Criminal Tribes Regulation, 1916;

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once.

2. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under section 3;

(2) "prescribed" means prescribed by rules under this Regulation; and

(3) "tribe," "gang" or "class" includes any part or members of a tribe, gang or class.

NOTIFICATION OF CRIMINAL TRIBES.

3. If the Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may, by notification in the official Gazette, declare that such tribe, gang or class is a criminal tribe for the purposes of this Regulation.

REGISTRATION OF MEMBERS OF CRIMINAL TRIBES.

4. The Government may direct the District Magistrate to make, or to cause to be made, a register of the members of any criminal tribe or of any part thereof within his district.

5. Upon receiving such direction, the District Magistrate shall publish a notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of such criminal tribe, or of such part thereof as is directed to be registered,—

(a) to appear at a time and place therein specified before a person appointed by him in this behalf;

(b) to give to that person such information as may be necessary to enable him to make the register; and

(c) to allow their finger impressions to be recorded.

Provided that the District Magistrate may exempt any individual member of such criminal tribe or part thereof from registration.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

7. (1) After the register has been placed in the keeping of the Superintendent of Police no person shall be added to the register, and no registration shall be cancelled except by, or by the order in writing of, the District Magistrate.

(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the person concerned—

(a) to appear before him or a person appointed by him in this behalf at a time and place therein specified;

(b) to give him or such person such information as may be necessary to enable him to make the entry; and

(c) to allow his finger impressions to be recorded.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger impressions of a registered member of a criminal tribe to be taken.

10. The Government may, by notification in the official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner—

(a) report himself at fixed intervals; or

(b) notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence.

RESTRICTION OF MOVEMENTS OF CRIMINAL TRIBES.

11. (1) If the Inspector-General of Police considers that it is expedient that any criminal tribe should be—

(a) restricted in its movements to any specified area, or

(b) settled in any place of residence, he may report the case for the orders of Government.

(2) Every such report shall state—

(i) the nature and the circumstances of the offences, in which the members of the criminal tribe are believed to have been concerned, and the reasons for such belief;

(ii) whether such criminal tribe follows any lawful occupation and whether such occupation is in the opinion of the Inspector-General of Police, the real occupation of such criminal tribe, or a pretence for the purpose of facilitating the commission of crimes, and the grounds on which such opinion is based;

(iii) the area to which it is proposed to restrict the movements of such criminal tribe, or the place of residence in which it is proposed to settle it; and

(iv) the manner in which it is proposed that such criminal tribe shall earn its living within the restricted area or in the settlement, and the arrangements which are proposed to be made therefor.

Notification restricting movements of, or settling, tribe.

12. If, on the consideration of any such report, the Government is satisfied—

(a) that it is expedient to restrict the movements of such criminal tribe, or to settle it in a place of residence, and

(b) that the means by which such criminal tribe shall earn its living are adequate,

the Government may publish in the official Gazette a notification declaring that such criminal tribe shall be restricted in its movements to the area specified or shall be settled in the place of residence specified.

13. The Government

Power to vary specified area or place of residence.

may at any time by a like notification vary the terms of any notification published by it under section 12 by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

14. Every registered

Verification of presence of members of tribe within prescribed area or place of residence.

member of a criminal tribe, whose movements have been restricted or which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

15. When the area to

Transfer of register in certain cases.

which the movements of a criminal tribe or any members thereof are restricted, or the place of residence in which a criminal tribe is settled, is situated in a district other than that in which the register mentioned in section 4 was prepared, the register shall be transferred to the Superintendent of Police of the district in which the said area is situated, and the District Magistrate of the said district shall thereupon be empowered to exercise the powers provided in sections 7, 8 and 9.

SETTLEMENTS AND SCHOOLS.

16. The Government

Power to place tribe in settlement.

may establish industrial, agricultural or reformatory settlements and may place therein any criminal tribe or any part thereof, in respect of which a notification has been published under section 12.

17. (1) The Government

Power to place children in schools and to apprentice them.

may establish industrial, agricultural or reformatory schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of which a notification has been published under section 12.

(2) For the purposes of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

(3) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

18. The Government or any officer authorised by Government in this behalf may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the State,—

- (a) to be discharged, or
(b) to be removed to some other like settlement or school in the State.

19. When any tribe, gang or class has been declared as a criminal tribe outside Mysore, the Government may, by a notification in the official Gazette declare that the provisions of section 20 shall apply to such tribe, gang or class.

Tribe, gang or class declared criminal outside Mysore.
Procedure when any tribe or gang or class declared criminal under section 19 is found in Mysore.

20. (1) No tribe, gang or class or any member thereof declared criminal under section 19 shall enter Mysore without a written permit signed by the Inspector-General of Police.

(2) Any Police officer not below the rank of an officer in charge of a Police Station may direct any person found in Mysore contrary to the provisions of sub-section (1) by a written order to leave Mysore within a week.

(3) Any person found in Mysore after the period provided for in sub-section (2) shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both, and shall also be liable to be sent out of Mysore on the expiry of the sentence.

RULES.

Power to make rules.

21. (1) The Government may make rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate:—

- (a) the form and contents of the register prescribed in section 4;
- (b) the mode in which the notice prescribed in section 5 shall be published and the means by which the persons whom it concerns, and the village-headmen, village-watchmen and land-owners or occupiers of the village in which such persons reside, or the agents of such land-owners or occupiers, shall be informed of its publication;
- (c) the addition of names to the register and the erasure of names therein, and the mode in which the notice prescribed in section 7 shall be given;
- (d) the mode in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence or any absence or intended absence;
- (e) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under section 12 or section 13;
- (f) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined or the area to which their movements are restricted;
- (g) the conditions to be inserted in any such pass in regard to—
 - (i) the places where the holder of the pass may go or reside;
 - (ii) the persons before whom, from time to time, he shall be bound to present himself; and
 - (iii) the time during which he may absent himself;
- (h) the place and time at which and the persons before whom members of a criminal tribe shall attend in accordance with the provisions of section 14;
- (i) the inspection of the residences and villages of any criminal tribe;
- (j) the terms upon which registered members of criminal tribes may be discharged from the operation of this Regulation;

- (k) the management, control and supervision of industrial, agricultural or reformatory settlements and schools;
- (l) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed; the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour;
- (m) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove; and
- (n) the mode in which the permits specified in section 20 may be obtained and the conditions which may be entered in such permits with regard to—
- (1) the place to which the holder of the permit may go or in which he may reside,
 - (2) the persons to whom he should report himself from time to time, and
 - (3) the period for which he may reside in Mysore.

PENALTIES AND PROCEDURE.

Penalties for failure to comply with terms of notice under section 5 or 7.

22. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,—

- (a) fails to appear in compliance with a notice issued under section 5 or section 7, or
- (b) intentionally omits to furnish any information required under those sections, or
- (c) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or
- (d) refuses to allow his finger impressions to be taken,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

23. (1) Whoever, being a registered member of a criminal tribe, violates a rule made under clause (e), clause (f) or clause (g) of section 21 shall be punishable with imprisonment for a term which may extend,—

- (a) on a first conviction, to one year,
- (b) on a second conviction, to two years, and
- (c) on any subsequent conviction, to three years.

(2) Whoever, being a registered member of criminal tribe, violates a rule made under any other clause of section 21 shall be punishable,

- (a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both, and
- (b) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

24. (1) Whoever, being a member of any criminal tribe, and, having been convicted of any of the offences under the Indian Penal Code specified in the Schedule, is hereafter convicted of the same or any other offence specified in the said Schedule, shall in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished,—

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

(a) on a second conviction, with imprisonment for a term of not less than seven years, and

(b) on a third conviction, with transportation for life.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for registered members of criminal tribes found under suspicious circumstances.

25. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court—

(a) that he was about to commit, or aid in the commission of, theft or robbery, or

(b) that he was waiting for an opportunity to commit theft or robbery, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

Arrest of registered person found beyond prescribed limits.

26. (1) Whoever, being a registered member of a criminal tribe,—

(a) is found in any part of Mysore, beyond the area, if any, prescribed for his residence, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or

(b) escapes from an industrial, agricultural or reformatory settlement or school,

may be arrested without warrant by any police officer, village headman or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (as the case may be); there to be dealt with in accordance with this Regulation or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Regulation:

Provided that an order from the Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

27. (1) Every village headman and village watchman in a village in which

Duties of village headmen, village watchmen and owners or occupiers of land to give information. any persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of:—

(a) the failure of any such person to appear and give information as directed in section 5; or

(b) the departure of any registered member of a criminal tribe from such village or from such land (as the case may be).

(2) Every village headman and village watchman in a village, and every owner or occupier of land or the agent of such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any criminal tribes.

28. Any village headman, village watchman, owner or occupier of land or the agent of such owner or occupier, who fails to comply

Penalty for breach of such duties.

with the requirements of section 27, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

SUPPLEMENTAL.

29. No Court of justice shall question the validity of any notification published under the provisions of section 3, section 12 or section 13 on the ground that the provisions hereinbefore contained or any of them have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

THE SCHEDULE.

(See Section 24.)

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